



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/531,664	02/23/2006	Tetsuo Nagano	P27709	1923
7055 7590 01/15/2010 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER FRITCHMAN, REBECCA M				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
01/15/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com
pto@gbpatent.com

Supplemental Advisory Action

Applicant's amendment will be entered. Upon entry, the claims will be rejected as was presented in the final action of 5/14/09 by Examiner Keri Moss.

Response to arguments:

Arguments are not persuasive. The Nagano reference teaches measuring reactive oxygen or singlet oxygen in similar situations as disclosed by the applicant, except that it does not spell out detecting peroxynitrile. However, the reference teaches detecting singlet oxygen in similar situations. Formation of peroxynitrile is inherent and immediate by applicant's own admission (page 1, paragraph starting with peroxynitrile) in such situations; and Applicant's claimed method also detects the singlet oxygen from peroxynitrile. Thus, even if the reference does not expressly state that it is measuring peroxynitrile, it is inherently measuring peroxynitrile. Applicant has not disputed the fact that the reference Nagano does teach the same compounds as recited in claim 3. Even though Examiner Keri Moss used an evidence reference (Aldini) to show that peroxynitrile has singlet oxygen (or reactive oxygen), that reference is not necessary in the rejection, and the rejection is over Nagano, (WO 01/64664, and as applicant has suggested, the office could very well use the US Patent 7,087,766 as an English equivalent instead of the EP reference Examiner Keri Moss used. Aldini was introduced only for the purpose of showing evidence of inherency of singlet oxygen in peroxynitrile. The reference specifically teaches about singlet oxygen (reactive oxygen), and it inherently would not detect NO or superoxide. In addition, since applicant uses the

same compound for the measurement, it is also inherent that the method as taught by Nagano also would not detect NO and superoxide.

If applicant thinks that this rejection is improper, it is suggested that applicant provide evidence that Nagano (WO 01/64664) does not inherently teach measuring of peroxy nitrile when it teaches measuring of singlet oxygen, and that Nagano method would not discriminate between NO or superoxide and peroxy nitrile.

Please note that the additional remarks in this advisory action are in response to the claim amendments newly introduced in the after-final amendment of 11/25/09.

/Krishnan S Menon/
Primary Examiner, Art Unit 1797